

Exhibit 10

1 **ROTHNER, SEGALL & GREENSTONE**
2 JONATHAN COHEN (10551)
3 ELI NADURIS-WEISSMAN (*pro hac vice*)
4 CARLOS COYE (*pro hac vice*)
5 510 South Marengo Avenue
6 Pasadena, California 91101-3115
7 Telephone: (626) 796-7555
8 Fax: (626) 577-0124
9 E-mail: jcohen@rsglabor.com; enaduris-weissmna@rsglabor.com;
10 ccoye@rsglabor.com

11 **CHRISTENSEN JAMES & MARTIN**

12 EVAN L. JAMES (7760)
13 DARYL E. MARTIN (6735)
14 7440 West Sahara Avenue
15 Las Vegas, Nevada 89117
16 Telephone: (702) 255-1718
17 Fax: (702) 255-0871
18 Email: elj@cjmlv.com; dem@cjmlv.com

19 Attorneys for Service Employees International Union
20 and Mary Kay Henry

21 UNITED STATES DISTRICT COURT

22 DISTRICT OF NEVADA

23 JAVIER CABRERA, an individual;
24 DEBORAH MILLER, an individual,
25 CHERIE MANCINI, an individual,
26 NEVADA SERVICE EMPLOYEES UNION
27 STAFF UNION (“NSEUSU”),
28 an unincorporated association,

Plaintiffs,

vs.

SERVICE EMPLOYEES INTERNATIONAL
UNION, a nonprofit cooperative corporation;
LUISA BLUE, in her official capacity as
Trustee of Local 1107; MARTIN MANTECA,
in his official capacity as Deputy Trustee of
Local 1107; MARY K. HENRY, in her official
capacity as Union President; CLARK COUNTY
PUBLIC EMPLOYEES ASSOCIATION dba
NEVADA SERVICE EMPLOYEES UNION
aka SEIU 1107, a non-profit cooperative
corporation; DOES 1-20; and ROE
CORPORATIONS 1-20, inclusive,

Defendants.

Case No.: 2:18-CV-00304-RFB-DJA

**[1] JOINT STIPULATION AND
MOTION TO EXTEND DEADLINE FOR
REBUTTAL EXPERT DISCLOSURE**

[2] ORDER THEREON

1 Pursuant to Local Rule 26-4, the parties, by and through their undersigned counsel,
2 hereby stipulate as follows and request this Court to extend the deadline for rebuttal witness
disclosures.

3
4 DATED: September 2, 2021

ROTHNER, SEGALL & GREENSTONE
JONATHAN COHEN
ELI NADURIS-WEISSMAN (*pro hac vice*)
CARLOS COYE (*pro hac vice*)

CHRISTENSEN JAMES & MARTIN
EVAN L. JAMES
DARYL E. MARTIN

9
10 By /s/ Eli Naduris-Weissman
11 ELI NADURIS-WEISSMAN
12 (*pro hac vice*)
13 510 South Marengo Avenue
14 Pasadena, CA 91101-3115
15 Tel: (626) 796-7555; Fax: (626) 577-0124
16 *Attorneys for Service Employees International Union*
17 *and Mary Kay Henry*

18
19
20
21
22
23
24
25
26
27
28

1 All parties, through their undersigned counsel, hereby stipulate as follows:

2 **I. STATEMENT OF DISCOVERY COMPLETED**

3 The parties have completed the following discovery to date:

4 1. Plaintiffs served Defendants with Initial Disclosures.

5 2. Defendants Service Employees International Union (“SEIU”) and Service Employees

6 International Union, Local 1107 (“Local 1107”) served Plaintiffs with Initial Disclosures.

7 3. Plaintiffs served Defendants with Supplemental Disclosures.

8 4. Defendant SEIU served Plaintiff Javier Cabrera its First Set of Interrogatories.

9 5. Defendant SEIU served Plaintiff Javier Cabrera its First Set of Requests for Production of

10 Documents.

11 6. Defendant SEIU served Plaintiff Debbie Miller its First Set of Interrogatories.

12 7. Defendant SEIU served Plaintiff Debbie Miller its First Set of Requests for Production of

13 Documents.

14 8. Plaintiff Miller served her expert disclosure.

15 9. Defendant SEIU served its expert disclosure.

16 **II. STATEMENT OF DISCOVERY THAT REMAINS TO BE COMPLETED**

17 The following discovery remains outstanding:

18 1. Though the due date for Plaintiffs Miller and Cabrera to respond to SEIU’s discovery

19 requests was August 12, 2019, the parties have agreed to extend the date to August 29,

20 2019. As such, Plaintiff Miller intends to respond to SEIU’s First Set of Interrogatories

21 by August 29, 2019; Plaintiff Cabrera intends to respond to SEIU’s First Set of

22 Interrogatories by August 29, 2019; Plaintiff Miller intends to respond to SEIU’s First Set

23 of Requests for Production of Documents by August 29, 2019; and Plaintiff Cabrera

24 intends to respond to SEIU’s First Set of Requests for Production of Documents by

25 August 29, 2019.

26 2. Defendant SEIU intends to serve Plaintiff Cherie Mancini written discovery, including

27 requests for production of documents and interrogatories.

28

- 1 3. Defendant Local 1107 intends to serve written discovery, including requests for
- 2 production of documents, interrogatories, and request for admission, on all Plaintiffs.
- 3 4. Plaintiffs intend to serve written discovery on Defendants SEIU and Local 1107.
- 4 5. Plaintiffs intend to take several depositions in this matter.
- 5 6. Defendants intend to take the depositions of Plaintiffs in this matter. Defendants may
- 6 thereafter seek additional written discovery.

7 **III. THE REASONS WHY REBUTTAL EXPERT DISCLOSURES WILL NOT BE**
8 **COMPLETED BY THE PRESENT DEADLINE**

9 Defendants are unable to fully complete rebuttal expert witness disclosures by September
10 11, 2019, and Plaintiffs believe they could not meet the due date for responding to Defendant
11 SEIU's discovery requests for the following reasons:

- 12 1. Defendant SEIU filed a motion to sever and Defendants filed separate motions to dismiss
13 on May 10, 2019. In addition, Defendant SEIU propounded discovery, including
14 interrogatories and requests for production of documents, on Plaintiffs Miller and Cabrera
15 on July 12, 2019.
- 16 2. On August 12, 2019, Defendant SEIU filed expert witness disclosures. In these
17 disclosures, SEIU explained that selecting and disclosing their expert witnesses and any
18 witness reports was premature for two reasons. First, Defendants' motions to dismiss and
19 sever were pending and, based on the outcome of those motions, the scope of this
20 litigation could substantially change, including any issues related to damages. Second,
21 because Plaintiffs Miller and Cabrera had not responded to SEIU's discovery requests,
22 SEIU's expert witnesses were without the information necessary for them to evaluate any
23 damages and the basis for the claims alleged by Plaintiffs Miller and Cabrera.
- 24 3. Later, on August 13, 2019, counsel for the Plaintiffs emailed counsel for Defendants,
25 requesting a two-week extension to provide a response to SEIU's discovery requests.
26 Plaintiffs' counsel explained that though he received the documents from his clients
27 necessary to respond to SEIU's discovery requests, more time was necessary for him to
28 complete formal responses, and SEIU has agreed to extend the deadline until August 29,

2019. On August 15, 2019, after Defendants made the request, Plaintiffs provided to Defendants the underlying data and documents on which Plaintiff Miller's expert report was based.

4 4. Defendants SEIU and Local 1107 wish to have the opportunity to disclose rebuttal
5 experts, if necessary, but are unable to do so in the time allotted. Because of the summer
6 schedule of the expert that Defendants have consulted, and because Plaintiffs have yet to
7 respond to SEIU’s written discovery that may inform any rebuttal expert’s opinion,
8 Defendants require one additional month to complete their rebuttal expert disclosure and
9 provide the accompanying report.

10 5. This is the first request for an extension of a discovery deadline in this case. The parties
11 have diligently pursued discovery and attempted to adhere to the schedule set forth in the
12 parties’ Joint Proposed Discovery and Scheduling Order, Special Scheduling Request.
13 *See* ECF No. 31. Instead of resorting to motions disputing discovery issues and asking the
14 Court to resolve these issues, the parties stipulated and agreed that Plaintiffs Miller and
15 Cabrera would receive a two-week extension to August 29, 2019 to respond to SEIU’s
16 discovery requests and the due date for the parties to disclose rebuttal experts would be
17 extended, to October 11, 2019.

IV. PROPOSED SCHEDULE FOR COMPLETING ALL REMAINING DISCOVERY

19 For the foregoing reasons, the parties hereby respectfully request that the Court agree to
20 the following proposed discovery schedule.

21 1. Current Discovery Schedule

Amend Pleadings/Add parties:	July 13, 2019
Initial Expert Disclosures	August 12, 2019
Rebuttal Expert Disclosures	September 11, 2019
Discovery Cutoff for Written Discovery	November 10, 2019
Dispositive Motions	December 10, 2019
Joint Proposed Pretrial Order	January 9, 2020

2. Proposed Discovery Schedule

Amend Pleadings/Add Parties:	July 13, 2019 (same)
Initial Expert Disclosures	August 12, 2019 (same)
Rebuttal Expert Disclosures	October 11, 2019
Discovery Cutoff for Written Discovery	November 10, 2019 (same)
Dispositive Motions	December 10, 2019 (same)
Joint Proposed Pretrial Order	January 9, 2020 (same)

DATED: August 20, 2019

By /s/ Eli Naduris-Weissman
ELI NADURIS-WEISSMAN
ROTHNER, SEGALL & GREENSTONE
JONATHAN COHEN
ELI NADURIS-WEISSMAN (*pro hac vice*)
CARLOS COYE (*pro hac vice*)
*Attorneys for Service Employees International
Union and Mary Kay Henry*

DATED: August 20, 2019

By /s/ Evan James
EVAN L. JAMES
CHRISTENSEN JAMES & MARTIN
*Attorneys for Defendant Nevada Service Employees
Union, Luisa Blue, and Martin Manteca*

DATED: September 2, 2021

By _____
Michael Mcavoyamaya
Attorney for Plaintiffs

IT IS SO ORDERED

1
2

United States Magistrate Judge
3

4 DATED: _____
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28